

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

JIMMY JEROME SMITH

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**No. 3:08-CR-111
(Phillips)**

MEMORANDUM AND ORDER

On November 19, 2009, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed an 16-page Report and Recommendation (R&R) [Doc. 84] in which he recommended that defendant's motion to suppress evidence [Doc. 55] be denied.

This matter is presently before the court on defendant's timely objections to the R&R [Doc. 88]. As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which defendant objects. For the reasons that follow, the court finds itself in agreement with Judge Guyton's thorough analysis of the legal issues arising from the evidentiary hearing conducted by him on August 14, 2009. Thus, any further comment by the court is unnecessary and would be repetitive. In sum, the court concurs with the magistrate judge's findings that the purchase of drugs within the residence provided a nexus between the residence and criminal activity; it was reasonable for the judge issuing the search warrant to infer that defendant stored drugs at his residence; the affidavit for the search warrant provided a nexus between the alleged

criminal activity and the place to be searched, and it established probable cause for the issuance of the search warrant. Accordingly, defendant's objections [Doc. 88] are hereby **OVERRULED** in their entirety whereby the R&R [Doc. 84] is **ACCEPTED IN WHOLE**. Accordingly, defendant's motion to suppress evidence [Doc. 55] is **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge